

AMENDED IN ASSEMBLY JUNE 29, 2004  
AMENDED IN ASSEMBLY JUNE 16, 2004  
AMENDED IN SENATE JANUARY 15, 2004  
AMENDED IN SENATE JANUARY 5, 2004  
AMENDED IN SENATE APRIL 30, 2003  
AMENDED IN SENATE APRIL 22, 2003  
AMENDED IN SENATE MARCH 20, 2003

**SENATE BILL**

**No. 58**

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**Introduced by Senators Johnson, Alpert, Battin, Florez, Knight,  
McPherson, and Speier**

(Coauthors: Assembly Members Bates, Benoit, Campbell, Cogdill,  
Daucher, Dutton, La Malfa, Longville, Maddox, Mountjoy,  
Nakanishi, Pacheco, Plescia, Spitzer, Strickland, and Wyland)

January 15, 2003

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An act to add Section 964 to the Penal Code, relating to police reports, *and declaring the urgency thereof, to take effect immediately.*

LEGISLATIVE COUNSEL'S DIGEST

SB 58, as amended, Johnson. Police reports: confidentiality.

Existing law provides Californians with a right of privacy. Existing law regulates the dissemination of personal information held by government agencies. Existing law exempts courts from the provisions of the California Public Records Act and permits a court to seal records and redact information from them.

This bill would require the district attorney and the courts in each county to establish a mutually agreeable procedure, as specified, to protect confidential personal information, as defined, regarding any witness or victim contained in a police report, arrest report, or investigative report that is submitted to a court by a prosecutor in support of a criminal complaint, indictment, or information, or by a prosecutor or law enforcement officer in support of a search warrant or an arrest warrant.

*By requiring local prosecutors to establish a procedure with the courts for protecting the confidentiality of personal information in reports submitted to court, this bill would impose a state-mandated local program.*

*The California Constitution requires the state to reimburse local agencies and school districts for certain costs mandated by the state. Statutory provisions establish procedures for making that reimbursement, including the creation of a State Mandates Claims Fund to pay the costs of mandates that do not exceed \$1,000,000 statewide and other procedures for claims whose statewide costs exceed \$1,000,000.*

*This bill would provide that, if the Commission on State Mandates determines that the bill contains costs mandated by the state, reimbursement for those costs shall be made pursuant to these statutory provisions.*

*This bill would declare that it is to take effect immediately as an urgency statute.*

Vote: ~~majority~~ <sup>2/3</sup>. Appropriation: no. Fiscal committee: yes. State-mandated local program: yes.

*The people of the State of California do enact as follows:*

1     SECTION 1.   Section 964 is added to the Penal Code, to read:  
2     964.   (a) In each county, the district attorney and the courts,  
3     in consultation with any local law enforcement agencies that may  
4     desire to provide information or other assistance, shall establish a  
5     mutually agreeable procedure to protect confidential personal  
6     information regarding any witness or victim contained in a police  
7     report, arrest report, or investigative report ~~that~~ *if one of these*  
8     *reports* is submitted to a court by a prosecutor in support of a  
9     criminal complaint, indictment, or information, or by a prosecutor

1 or law enforcement officer in support of a search warrant or an  
2 arrest warrant.

3 (b) For purposes of this section, “confidential personal  
4 information” includes, but is not limited to, an address, telephone  
5 number, driver’s license or California Identification Card number,  
6 social security number, date of birth, place of employment,  
7 employee identification number, mother’s maiden name, demand  
8 deposit account number, savings or checking account number, or  
9 credit card number.

10 (c) (1) This section may not be construed to impair or affect the  
11 provisions of Chapter 10 (commencing with Section 1054) of Title  
12 6 of Part 2.

13 (2) This section may not be construed to impair or affect  
14 procedures regarding informant disclosure provided by Sections  
15 1040 to 1042, inclusive, of the Evidence Code, or as altering  
16 procedures regarding sealed search warrant affidavits as provided  
17 by *People v. Hobbs* (1994) 7 Cal.4th 948.

18 (3) This section shall not be construed to impair or affect a  
19 criminal defense counsel’s access to unredacted reports otherwise  
20 authorized by law, or the submission of documents in support of  
21 a civil complaint.

22 (4) This section applies as an exception to California Rule of  
23 Court 243.1, as provided by paragraph (2) of subdivision (a) of that  
24 rule.

25 *SEC. 2. Notwithstanding Section 17610 of the Government*  
26 *Code, if the Commission on State Mandates determines that this*  
27 *act contains costs mandated by the state, reimbursement to local*  
28 *agencies and school districts for those costs shall be made*  
29 *pursuant to Part 7 (commencing with Section 17500) of Division*  
30 *4 of Title 2 of the Government Code. If the statewide cost of the*  
31 *claim for reimbursement does not exceed one million dollars*  
32 *(\$1,000,000), reimbursement shall be made from the State*  
33 *Mandates Claims Fund.*

34 *SEC. 3. This act is an urgency statute necessary for the*  
35 *immediate preservation of the public peace, health, or safety*  
36 *within the meaning of Article IV of the Constitution and shall go*  
37 *into immediate effect. The facts constituting the necessity are:*

38 *In order to protect the safety and privacy of victims and*  
39 *witnesses of crimes, to encourage witnesses to come forward and*  
40 *report crimes, and to combat the efforts of identity thieves to obtain*

- 1 *the personal identifying information of California citizens, it is*
- 2 *necessary that this act go into immediate effect.*

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